

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

MORRIS BIVINGS, on behalf of  
himself and others similarly situated,

Plaintiff,

v.

EURAMEX MANAGEMENT  
GROUP, LLC; WESLEY  
APARTMENT HOMES GROUP,  
LLC; IGNACIO DIEGO; and JAMIN  
HARKNESS.,

Defendants.

CIVIL ACTION NO.

1:12-CV-3591-CAP

**ORDER**

This action came before the Court on the parties' Joint Motion to Approve Settlement in this FLSA Collective Action [Doc. No. 65].

Therein, the parties properly sought Final Approval of the terms of their Settlement. *See Lynn's Food Stores, Inc. v. United States*, 679 F.2d 1350, 1353 (11th Cir. 1982) ("When employees bring a private action for back wages under the FLSA, and present to the district court a proposed settlement, the district court may enter a stipulated judgment after scrutinizing the settlement for fairness." (citations omitted)).

Having reviewed the Joint Motion, the Brief in Support thereof, the record, and the details of the settlement, the court concludes that the terms of the settlement (1) are fair to named Plaintiff and Opt-in Plaintiffs (collectively “Plaintiffs”); (2) reflect a reasonable compromise over the issues that are actually in dispute in this case; (3) demonstrate a good-faith intention by the parties that the Plaintiffs’ claims be fully and finally resolved.

Furthermore, the settlement (1) was reached in an adversarial context as the result of arms-length negotiations between the parties; (2) arrived at a fair disposition of the claims; and (3) arrived at a fair and reasonable settlement of the attorneys’ fees and costs of litigation. *See generally, Lynn’s Food Stores, Inc.*, 679 F.2d 1350.

Accordingly, the motion [Doc. No. 65] is GRANTED and the settlement is hereby APPROVED by the court as a final, fair, adequate, and reasonable resolution of this Action.

IT IS FURTHER ORDERED that the Settlement Agreement and the allocation of Proceeds, attached to the joint motion as Exhibits A and B respectively, are incorporated into this Order, and the Defendants shall make payments to each of the Plaintiffs as set forth in the Allocation of Proceeds.

The court finds that the amounts of attorneys fees and expenses agreed to by the parties are reasonable. Accordingly, IT IS FURTHER ORDERED that the Defendant shall pay Plaintiffs' attorneys' fees and expenses in the amounts agreed to.

IT IS FURTHER ORDERED that that this matter be DISMISSED WITH PREJUDICE.

**SO ORDERED** this 10<sup>th</sup> day of December, 2013.

/s/Charles A. Pannell, Jr.  
CHARLES A. PANNELL, JR.  
United States District Judge